

COMMUNITY DISPUTE RESOLUTION PROGRAM



ANNUAL REPORT 2005

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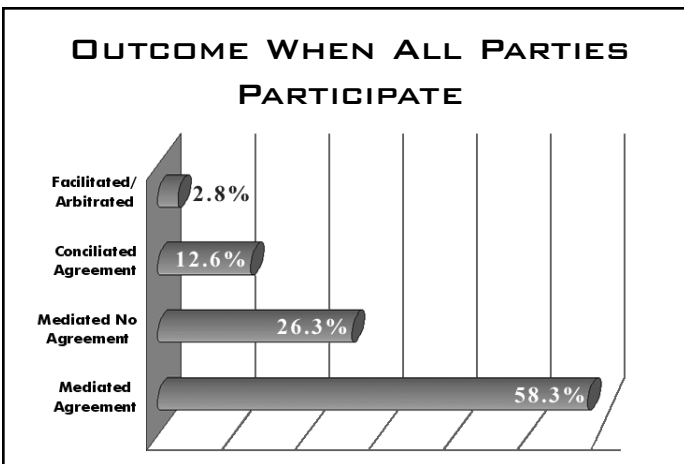
PROGRAM DESCRIPTION & FUNDING

Community Dispute Resolution Program (CDRP) centers offer mediation as an alternative to traditional adversarial dispute resolution in the courts. Mediation is a process in which a trained, neutral person helps disputing parties reach a mutually satisfactory resolution. Unlike the adversarial nature of traditional litigation, mediation involves mutual problem solving, in which the parties generate options they believe would best resolve the conflict. Solutions are not imposed upon parties as they are by judges in litigation. CDRP mediators are volunteers who have completed both a 40-hour training program approved by the State Court Administrative Office (SCAO) and a supervised internship.

CDRP centers are nonprofit volunteer-based organizations that receive grant funding from the SCAO. The grant funds are derived from a court filing fee assessment. In 2005, the SCAO distributed approximately \$1.9 million to the 20 centers to support their work; grant awards per center ranged from \$38,932 to \$370,852. Contact information for the CDRP centers appears in the statistical supplement.

PROGRAM PERFORMANCE

Centers resolved 7,026 cases in 2005, representing a 20 percent increase over 2004. Court referrals accounted for 11,077 of all referrals, an increase of 23.7 percent over 2004. Centers also provided meeting facilitation and arbitration services in an additional 281 matters.



2005 AT A GLANCE

Number of centers	20
Range of grant awards	\$38,932-\$370,852
Individuals involved in cases	28,232
Number of resolutions	7,026
Average days to disposition	20.2
Average length of mediation (hours)	1.6
Resolution rate	73.0%
Agreement compliance rate	91.7%
Average amount agreed to per case	\$2,153
Value of volunteer contribution	\$1,364,386

A resolution rate of 73 percent was realized when all parties agreed to use a center's services. This was achieved either through the formal mediation process or informally through correspondence or telephone conversation. Participants' selection of the formal mediation process increased by 26.5 percent over the previous year. Although many issues in controversy are noneconomic in nature, the combined financial settlements of cases presenting economic issues were \$8,254,283.

Mediation also resulted in the quick resolution of matters. On average, a case was disposed within 20.2 days of intake, one day less than the average reported in 2004. The average mediation session lasted about one and three-quarter hours. The average cost per case, as measured by centers' CDRP grant awards divided by the total number of case dispositions, was \$139. Additional information regarding cost-per-case calculations appears in the statistical supplement.

Of the 14,116 cases disposed in 2005, 78.5 percent were matters in which the disputants learned about the service from a court. Referrals from governmental units and persons seeking mediation on their own tied for the second highest referral sources at 4.1 percent.

PROGRAM PERFORMANCE COMPARED

In the late 1980s, the National Center for State Courts based its recommendations for designing Michigan's community mediation initiative on a model already implemented in New York State. Of the numerous statewide mediation systems in place across the country, New York's Community Dispute Resolution Centers Program (CDRCP) continues to

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most closely resemble Michigan's Community Dispute Resolution Program. In 2005, New York State Unified Court System disbursed \$7,410,942 to its 27 community mediation centers, nearly four times the amount disbursed in Michigan. Despite New York having significantly higher funding levels than Michigan, Michigan's CDRP centers' results compare very favorably to those obtained in New York.

	Michigan	New York
Funds disbursed to centers	\$1.9 million	\$7.4 million
Avg. days intake to disposition	20.2	18
Avg. amount agreed to per case	\$2,153	\$4,459
Cost per disposed case	\$139	\$183
Percentage of court referrals	78.5	47

VOLUNTEER CONTRIBUTIONS

Volunteerism remains a defining aspect of the CDRP. Volunteers serve as mediators, trainers, outreach workers, administrators, workshop facilitators, and office assistants at many centers. Approximately 23,650 hours of service were contributed by volunteers in 2005. In market value equivalents, this represents a contribution of \$1,063,561. Centers also receive a number of donated goods and services such as rent, photocopying services, accounting services, and purchase discounts. The market value of these goods and services totaled \$300,825. This means that for every dollar invested by grant awards, an additional \$0.70 in in-kind services are generated.

INCREASING SERVICE TO COURTS

CDRP centers continued to work with courts in their service area to increase both the number of cases resolved through mediation, or informal conciliation, and the variety of cases referred to mediation.

REFERRAL SOURCES

Court	78.5%
Government	4.1%
Self Referral	4.1%
School System	3.6%
Advertising	2.5%
Legal Organization, Prosecutor, Attorney, Police .	2.0%
Other	5.2%

DISPUTE TYPE

Breach of Contract	35.6%
Domestic Relations	15.0%
Landlord/Tenant	11.8%
Property	7.5%
Consumer/Merchant	6.7%
Other	23.4%

The number of court referrals to centers has increased from 49 percent of all referrals in the mid-1990s to nearly 80 percent in 2005. Types of cases mediated have grown from small claims and landlord-tenant cases to include contested adult guardianships, a wide array of family disputes, land use conflicts, contract actions, real estate conflicts, and other matters brought in the general jurisdiction of district and circuit courts.

The number of court referrals increased from 8,953 in 2004 to 11,077 in 2005, a 23.7 percent increase. The resolution rate of 73 percent in 2005 is consistent with resolution rates of centers receiving court-ordered cases throughout the country.

ACCESS & VISITATION PILOT PROJECT

In November 2004, the Access and Visitation Domestic Relations Mediation Pilot Project was initiated in four counties to provide mediation in postjudgment parenting time disputes referred by the Friend of the Court. By June 2005, the pilot project expanded to include seven counties and dispute types were broadened to include pre- and postjudgment child custody. Mediators participating in this pilot project attended a two-day advanced training program. Through year end 2005, 232 cases were mediated, resulting in a 55 percent agreement rate. Beyond agreement rates, Friends of the Court (FOC) anecdotally report that in many instances, parties who have tried to resolve their differences through mediation are subsequently more cooperative with FOC staff and are more compliant with custody and parenting time orders. Formal program evaluation, as well as service expansion to an additional eight counties, will occur in 2006.

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ENHANCED DATA COLLECTION & REPORTING TO COURTS

All 20 CDRP centers implemented new case management software in late 2005 to better manage the growing volume of cases and to provide for better analyses of the centers' work. Centers are now able to generate reports to individual courts reflecting disposition of cases received from those courts, track cases accepted before the parties filed a suit with a court, and analyze correlated data. In 2006, the software data will assist in conducting a weighted caseload study designed to identify the amount of time spent on various stages of case management.

CONTINUED FAMILY DIVISION PROGRAM EXPANSION

In 2006, in addition to increasing the number of pilot sites receiving referrals from Friend of the Court offices, SCAO will implement a pilot project designed to help divorcing litigants mediate contested matters. The specific constituency for this pilot project is litigants who: (a) are self-represented; (b) have no children involved in the divorce; and (c) have few or no assets. The service will be tested through CDRP centers in jurisdictions where courts report a high level of self-represented litigants.

SCAO also continues to seek long-term funding to expand child welfare mediation services in child abuse and neglect cases. A 2004 study showed that children's permanency outcomes could be shortened by more than one year where mediation was employed. In 2005, seven centers collectively mediated 101 child welfare cases.

PUBLIC EDUCATION MATERIALS

Additional information about the Community Dispute Resolution Program, including brochures that can be downloaded or ordered from the SCAO, appears at:

<http://courts.michigan.gov/scao/dispute/index.htm>.

Local CDRP centers can be contacted by calling
1-800-8RESOLVE (1-800-873-7658).

STATISTICAL SUPPLEMENT AVAILABLE

Supplemental annual report materials are available at the Office of Dispute Resolution website. These materials include: (a) local program summaries identifying the types of services offered, referral sources, and other information; (b) comprehensive statistical data for each center, reported quarterly and compiled annually by the SCAO; and (c) cost-per-case analysis.

To contact the Community Dispute Resolution Program center nearest you call 1-800-8RESOLVE,
(1-800-873-7658).

For additional information about the statewide Community Dispute Resolution Program or this report please contact:



Office of Dispute Resolution
State Court Administrative Office
P.O. Box 30048
Lansing, MI 48909
Telephone: 517/373-4839
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Program information is also available at: <http://courts.michigan.gov/scao/dispute/odr.htm>

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